

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

LEONARD SANDERS, Individually and on
behalf of all those Similarly Situated,

Plaintiff,

v.

MPRI, INC., L-3 COMMUNICATIONS,
L-3 COMMUNICATIONS CORPORATION,
and L-3 SERVICES, INC.,

Defendants.

CIVIL ACTION NO. 5:08-cv-00345-R

DEFENDANT L-3 SERVICES, INC.'S MOTION TO DISMISS

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, defendant L-3 Services, Inc. ("L-3 Services") respectfully requests this Court to dismiss plaintiff Leonard Sanders' ("Mr. Sanders") First Amended Complaint for lack of subject matter jurisdiction.¹ In support of this motion, L-3 Services relies on its Brief in Support of Motion to Dismiss and Affidavit of David G. Thomas, both dated August 8, 2008, which are incorporated herein by reference in their entirety and which were filed contemporaneously herewith.

¹ As of December 31, 2007, MPRI, Inc. merged into L-3 Services and, therefore, ceased to exist. There is no such company as L-3 Communications. L-3 Services does business as L-3 Services and as "MPRI." L-3 Communications Corporation does business as L-3 Communications Corporation and "L-3 Communications." L-3 Communications Corporation does not and never has employed civilian recruiters. As a result, only L-3 Services moves to dismiss this action and does so on behalf of the other named defendants, if necessary.

WHEREFORE, L-3 Services respectfully requests this Court to enter an order (1) dismissing Mr. Sanders' First Amended Complaint and (2) granting L-3 Services such other relief as is just and proper.

Respectfully submitted,

L-3 SERVICES, INC.,

By its attorneys:

/s/ David G. Thomas

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Dated: August 8, 2008

² Messrs. Etter, Scalia and Thomas are admitted *pro hac vice*. Mr. Thomas maintains an office at One International Place, Boston, MA 02110.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent via U.S. first class mail to those indicated as non-registered participants on August 8, 2008.

/s/ David G. Thomas